IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2228 OF 2006

Madhukar Gopal Bhogwekar ..Petitioner.
Vs.
National Textile Corporation
(S. M.) Ltd. ..Respondent.

....

Mr. N.M. Ganguli for the Petitioner.

CORAM: DR. D.Y. CHANDRACHUD, J.

28th August, 2006.

P.C. :

The Petitioner had instituted a complaint being Complaint (ULP) No. 1115 of 2001 to challenge a memo by which he was sought to be retired by the management at the age of 60 years. The Petitioner claimed an entitlement to continue until he attains the age of 63 under the Standing Orders. An interim order was passed in the complaint. During the pendency of the complaint, there was a severance in the relationship of employer and employee. On 5th November, 2003 according to the Petitioner, he was compelled to resign. The Petitioner sought to amend the earlier complaint to challenge the termination of his

services. The Industrial Court was correct in holding that this was entirely a fresh cause of action. It would ofcourse be open to the Petitioner to take recourse to such remedies as are open to him under law in respect of the alleged termination that took place on 5th November, 2003. The Petition is dismissed.